

# **Local Agency Formation Commission Of Modoc County**

## **Special Meeting Minutes of February 27, 2007**

### **1. Call to Order:**

Chairman Neer called the meeting to order at 5:03 pm in the City Council Chambers, Alturas City Hall.

Commissioners present: Marie Neer, Rod Gately, Mike Dunn and Dan Macsay.  
Commissioners absent: George Andreasen

Staff present: John Benoit, Executive Officer and Patricia Clark, Clerk

Pledge of Allegiance

### **2. Approval of Agenda:**

Dan Macsay made the motion to approve the agenda; seconded by Marie Neer. All in favor.

### **3. Correspondence:**

- CALAFCO-Proposed changes to MSR content.
- Public Utilities Commission: draft resolution regarding supporting improved coordination with Local Agency Formation Commissions by water and wastewater utilities.
- There was conversation regarding the existing Sphere of Influence and the possibility of creating hospital districts for Alturas and Surprise Valley.
- LAFCo has not completed any of the MSR's with spheres. Maybe what we need to do is focus on those critical areas first for the rest of this year into the year after.
- Mike Dunn: What about a PRD (Permanent Road Division)?  
John Benoit: Permanent Road Divisions are exempt from LAFCo. The PRD process is very similar to the LAFCo application process but you'll take a petition to the Public Works Dept. and they run it through the process and the Board of Supervisor's sets a hearing and then you have a protest hearing. It's all in the Streets and Highway Code.

### **4. Approval of Minutes:**

Dan Macsay made the motion to approve the minutes of December 12, 2006; seconded by Rod Gately. All in favor. Cheryl Nelson, Alternate abstained.

### **5. PUBLIC FORUM:** Members of the public may address the Commission on matters under its jurisdiction that are not on the agenda. The Commission may limit the public comment to three minutes. The Commission may not render any decisions

other than those items that are contained on the agenda; the public may request an item to be placed on a subsequent agenda.

Vice-Chairman Dunn noted that no comments were received.

**6. PUBLIC HEARINGS:**

**Conduct public hearing regarding the adoption of Operational Bylaws for Modoc LAFCo.**

John Benoit: I have a proposed resolution for these Bylaws but there are still some outstanding issues. The one outstanding issue is; when do you want to have your regular LAFCo meetings? There are only a couple of deadlines that are important. In the year, we have to do certain processes and that's setting up the budget. And we need to have a proposed budget by May 1, 2007 and we need to have a final budget by June 15, 2007.

Meeting four times a year is really good enough, twelve times is a lot. We can start every other month as a regular meeting date. The second Tuesday of the month would be best for the Executive Director. If there's a controversial item, Tuesdays will not work because of the City Council meeting.

Mike Dunn: I recommend we have meetings on the second Tuesday's of the month. April 10, 2007 will be a special meeting to adopt budget.

A review of the Bylaws and discussions of certain Sections took place.

- 5.0 Conduct of Business; 5.1 Regular Meetings
- 5.7 Compensation
- 4.3(b) Role of Alternate Members; 4.5(c)
- 5.7(c) Conduct of Meetings; reviewed this item in depth.
- 10.2.2 Expenditure Policies

Discussion of reimbursement of mileage between the commission members took place. It was noted that this already exists under 4.7 Compensation: "Mileage shall be reimbursed in accordance with IRS mileage in effect at the time the mileage occurred." The Commission has decided not to change 4.7 Compensation for mileage. If LAFCo gets more revenue, then they'll think about it.

The Bylaws set up financial policies and provisions, which we didn't have. Referred to 10.2.2 Expenditure Policies: Responsibilities of Executive Officer for day-to-day business.

Commissioner Macsay made the motion to adopt Resolution 2007-01 thereby, adopting the Bylaws Item 6.(a) of the Agenda; seconded by Commissioner Neer. All in favor: Cheryl Nelson, Rod Gately, Marie Neer, Mike Dunn and Dan Macsay

Marie Neer left the meeting at 5.58 pm.

**7. PUBLIC HEARING:**

**Conduct public hearing regarding the adoption of a Fee Justification Report, revised Fee Schedule and fee provisions for processing LAFCO applications.**

John Benoit: You can justify a fee that includes the direct costs, portion of the indirect costs, and a portion of the long-range planning. Gave an overview of Exhibit “A” of the Staff Report. “All fees deposits are initial payments toward the total cost of processing and twill be assessed to cover the cost of processing.” The fee deposits was outlined and reviewed.

The Commission and Executive Officer reviewed Pages 1-6 of the “Schedule of Fees and Fee Deposits.”

Changes made: Page 1, Item 2, “Administrative fee deposits for consultants shall be **twenty-percent (20%)** of . . . .

Commissioner Macsay made the motion to adopt Resolution 2007-02 with appropriate change; seconded by Commissioner Nelson. All in favor: Cheryl Nelson, Rod Gately, Mike Dunn and Dan Macsay. Marie Neer is absent.

**8. Review and Authorize payment of Claims.**

Commissioner Macsay made the motion to approve payment of December 2006 and January 2007 claims; seconded by Rod Gately. All in favor: Dan Macsay, Rod Gately, Cheryl Nelson and Mike Dunn. Marie Neer was absent.

**9. Authorize staff to attend the Calafco Staff Workshop in Orange County and authorize a share of the expenses not to exceed \$150.00**

Commission Macsay made the motion to approve staff attending Calafco Workshop in Orange County; seconded by Commissioner Gately. All in favor: Dan Macsay, Rod Gately, Mike Dunn, Cheryl Nelson. Marie Neer was absent.

**10. Conduct workshops regarding the following items:**

a. Approach to completing Municipal Service Reviews (MSR) and Sphere of Influence Updates.

John Benoit: A lot of the budget will go toward getting the MSR’s done. We’re not going to get them done by the due date. We need to focus on the MSR’s that are the most important. The City of Alturas has an engineering firm do an MSR and the Commission approved it. There hasn’t been a sphere update. All the other MSR’s are in draft form. We need to focus on various jurisdictions. Another alternative is to do an MSR when you get an application. The fee schedule talks about an application with an MSR. We need to make due diligence, reasonable effort to do a few of them. There’s a CSD Cedarville. Maybe do agencies that do domestic water and domestic wastewater. We focus on Adin and few of these communities that do domestic water and wastewater. We’ll try to do something with the fire departments. The CSD in Cal Pines is another one. Is there a likelihood that in the foreseeable future that they’ll add to the CSD? I doubt it.

You're going to find in the MSR's is that there's a lack of capacity in water and wastewater. Most, you're going to find, are right on the edge of noncompliance with their waste discharge requirement. Need to focus on doing during the summer months when the weather is good.

**11. Executive Officer's Monthly Report – General Discussion**

- a. Discussed PUC letter regarding their cooperation
- b. 700 Forms are due
- c. Proposed changes to City/County Sphere Water Master Planning-need to write letter supporting or non-supporting of Gov't Code Sections 56430 and 56425
- d. Web page Update
- e. Policies and Procedures – like General Plan Policies, orderly, efficient development

**12. Commissioner Reports – Discussion**

No reports.

The next meeting is proposed for late in April, Monday, April 23, 2007 at 5:00pm.

There being no further business to come before this Commission, the meeting was adjourned at 6:58 pm.